

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

May 3, 2021

Chief Judge Diane S. Sykes

No. 07-21-90017

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presides over his civil case. He alleges that the judge promised to appoint counsel for complainant's upcoming trial and failed to do so. However, the docket reveals that the judge granted complainant's motion for recruited pro bono counsel. 28 U.S.C. § 352(b)(1)(B) (dismissal is appropriate when "a limited inquiry ... demonstrates that the allegations in the complaint lack any factual foundation"). In any event, this allegation is directly related to the merits of the judge's decisions or procedural rulings, so it is not a proper basis for a misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (b)(1)(B).